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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**STIPULATION REGARDING JOINT
MOTION TO APPROVE SETTLEMENT
AGREEMENT WITH COLE KEPRO
INTERNATIONAL, LLC PURSUANT
TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 9019
[ECF NO. 1295] AND STAY OF
APPEALS**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

Chris McAlary (“McAlary”), by and through his counsel, the law firm of Carlyon Cica,
Chtd.; Cash Cloud, Inc. (“Debtor”) by and through its counsel Jeanette McPherson, Esq. of Fox

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1 Rothschild LLP; and the Official Committee of Unsecured Creditors (the “Committee”) by and
2 through its counsel Ryan J. Works, Esq. of McDonald Carano LLP and Seward & Kissel LLP
3 (collectively the “Parties”) hereby stipulate and agree as follows (the “Stipulation”):

4 RECITALS

5 WHEREAS, on September 22, 2023, Debtor and the Committee filed a *Joint Motion to*
6 *Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of*
7 *Bankruptcy Procedure 9019* [ECF No. 1295] (the “9019 Motion”);

8 WHEREAS, on November 18, 2023, Christopher McAlary filed his Objection to Motion
9 to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
10 of Bankruptcy Procedure 9019 [ECF No. 1488] (the “Objection”);

11 WHEREAS, an Evidentiary hearing on the 9019 Motion is set for November 28, 2023 at
12 1:30 p.m.;

13 WHEREAS, on September 1, 2023, the Committee, acting on behalf of the Debtor’s
14 estate, filed a Complaint against McAlary, Case No. Case 23-01125-mkn (the “McAlary
15 Adversary”);

16 WHEREAS, on October 20, 2023, McAlary filed a Motion to Reconstitute the Official
17 Unsecured Creditors’ Committee [ECF No. 1413](the “Motion to Reconstitute”);

18 WHEREAS, the Parties have conferred and agreed that (1) the Parties consent to
19 participate in good faith in a court-ordered settlement conference with respect to the McClary
20 Adversary; (2) McClary agrees to withdraw the Objection; and (3) McAlary agrees to withdraw
21 the Motion to Reconstitute.

22 NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

23 **IT IS HEREBY STIPULATED** that Mr. McAlary’s Objection to Motion to Approve
24 Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of
25 Bankruptcy Procedure 9019 [ECF No. 1488] is hereby WITHDRAWN with prejudice.

26 **IT IS HEREBY FURTHER STIPULATED** that the Motion to Reconstitute [ECF No.
27 1413] is hereby WITHDRAWN with prejudice.

28

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1 **IT IS HEREBY FURTHER STIPULATED** that, with respect to the McAlary
2 Adversary, the Parties agree to participate in good faith in a confidential court-ordered
3 settlement conference pursuant to LR9019(a)(1), and the Parties jointly request that the Court
4 issue an order setting such a settlement conference.

5 **IT IS HEREBY FURTHER STIPULATED** that the Parties agree to stay both
6 appeals arising out of this bankruptcy case before the United States District Court, District of
7 Nevada under Case No. 2:23-cv-1424-GMN and Case No. 2:23-cv-01580-JAD until further
8 notice.

9 No other deadlines are affected by this Stipulation.

10 **IT IS SO STIPULATED AND AGREED.**

11 **CARLYON CICA CHTD.**

FOX ROTHSCHILD LLP

12 By: /s/ Candace Carlyon
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15 Nevada Bar No. 4565
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16 *Counsel for Christopher McAlary*

 By: /s/ Jeanette McPherson
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SEWARD & KISSEL LLP

Robert J. Gayda, Esq.

Laura E. Miller, Esq.

Andrew J. Matott, Esq.

(pro hac vice applications granted)

-and-

MCDONALD CARANO LLP

By: /s/ Ryan Works

Ryan J. Works, Esq. (NSBN 9224)

Amanda M. Perach, Esq. (NSBN 12399)

2300 West Sahara Avenue, Suite 1200

Las Vegas, NV 89102

Counsel for Official Committee of

Unsecured Creditors

CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Nancy Arceneaux
An employee of Carlyon Cica Chtd.

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